

"SEC. 7405. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.

"(a) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

"(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to English language learners that is undertaken by a State, locality, or local educational agency;

"(2) shall undertake a rulemaking pursuant to such notice; and

"(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

"(b) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of this section pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

"SEC. 7406. RULE OF CONSTRUCTION.

"Nothing in this Act shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages."

SEC. 5. CONFORMING AMENDMENTS.

(a) TITLE HEADING.—The title heading of title VII of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE VII—ENGLISH LANGUAGE FLUENCY AND FOREIGN LANGUAGE ACQUISITION PROGRAMS".

(b) ELEMENTARY AND SECONDARY EDUCATION ACT.—The Elementary and Secondary Education Act of 1965 is amended—

(1) in section 2209(b)(1)(C)(iii) (20 U.S.C. 6649(b)(1)(C)(iii)), by striking "Bilingual Education Programs under part A of title VII." and inserting "English language education programs under part A of title VII."; and

(2) in section 14307(b)(1)(E) (20 U.S.C. 8857(b)(1)(E)), by striking "Subpart 1 of part A of title VII (bilingual education)." and inserting "Chapter 2 of subpart 1 of part A of title VII (English language education)."

(c) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—

(1) IN GENERAL.—The Department of Education Organization Act is amended by striking "Office of Bilingual Education and Minority Languages Affairs" each place such term appears in the text and inserting "Office of English Language Acquisition".

(2) CLERICAL AMENDMENTS.—

(A) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

"OFFICE OF ENGLISH LANGUAGE ACQUISITION".

(B) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

"SEC. 216. OFFICE OF ENGLISH LANGUAGE ACQUISITION."

(C) TABLE OF CONTENTS.—

(i) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

"Sec. 209. Office of English Language Acquisition."

(ii) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

"Sec. 216. Office of English Language Acquisition."

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act, or October 1, 1998, whichever occurs later.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the yeas had it.

Mrs. MINK demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 221
affirmative { Nays 189

§86.17

[Roll No. 424]

AYES—221

| | | |
|--------------|---------------|---------------|
| Aderholt | Fossella | McCollum |
| Archer | Fowler | McDade |
| Armey | Fox | McHugh |
| Bachus | Franks (NJ) | McInnis |
| Baessler | Frelinghuysen | McIntosh |
| Baker | Gallegly | McIntyre |
| Ballenger | Ganske | McKeon |
| Barr | Gekas | Metcalf |
| Barrett (NE) | Gibbons | Mica |
| Bartlett | Gilchrest | Miller (FL) |
| Barton | Gillmor | Moran (KS) |
| Bass | Goode | Myrick |
| Bateman | Goodlatte | Nethercutt |
| Bereuter | Goodling | Neumann |
| Bilbray | Gordon | Northup |
| Bilirakis | Goss | Norwood |
| Bliley | Graham | Oxley |
| Blunt | Granger | Packard |
| Boehlert | Greenwood | Pappas |
| Boehner | Gutknecht | Parker |
| Bonilla | Hall (TX) | Paxon |
| Bono | Hansen | Pease |
| Brady (TX) | Hastert | Peterson (MN) |
| Bryant | Hastings (WA) | Peterson (PA) |
| Bunning | Hayworth | Petri |
| Burton | Hefley | Pickering |
| Buyer | Herger | Pickett |
| Callahan | Hill | Pitts |
| Calvert | Hilleary | Pombo |
| Camp | Hobson | Porter |
| Campbell | Hoekstra | Portman |
| Canady | Horn | Quinn |
| Cannon | Hostettler | Radanovich |
| Castle | Houghton | Regula |
| Chabot | Hulshof | Riggs |
| Chambliss | Hunter | Riley |
| Chenoweth | Hutchinson | Rogan |
| Christensen | Hyde | Rogers |
| Coble | Inglis | Rohrabacher |
| Coburn | Istook | Roukema |
| Collins | Jenkins | Royce |
| Combest | John | Ryun |
| Cook | Johnson, Sam | Salmon |
| Cooksey | Jones | Sanford |
| Cox | Kasich | Saxton |
| Cramer | Kelly | Schaefer, Dan |
| Crane | Kim | Schaffer, Bob |
| Cubin | King (NY) | Sensenbrenner |
| Cunningham | Kingston | Sessions |
| Danner | Klug | Shadegg |
| Deal | Knollenberg | Shaw |
| DeLay | Kolbe | Shays |
| Dickey | LaHood | Sherman |
| Doolittle | Largent | Shimkus |
| Dreier | Latham | Shuster |
| Duncan | LaTourette | Skeen |
| Dunn | Lazio | Smith (MI) |
| Ehlers | Leach | Smith (NJ) |
| Emerson | Lewis (CA) | Smith (OR) |
| English | Lewis (KY) | Smith, Linda |
| Ensign | Linder | Snowbarger |
| Everett | Lipinski | Solomon |
| Ewing | Livingston | Souder |
| Fawell | LoBiondo | Spence |
| Foley | Lucas | Stearns |
| Forbes | Manzullo | Stump |

Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt

Trafficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)

Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—189

| | | |
|--------------|--------------------|---------------|
| Abercrombie | Hamilton | Oberstar |
| Ackerman | Harman | Obey |
| Allen | Hastings (FL) | Olver |
| Andrews | Hefner | Ortiz |
| Baldacci | Hilliard | Owens |
| Barrett (WI) | Hinchey | Pallone |
| Becerra | Hinojosa | Pascrell |
| Bentsen | Holden | Pastor |
| Berman | Hooley | Paul |
| Bishop | Hoyer | Payne |
| Blagojevich | Jackson (IL) | Pelosi |
| Blumenauer | Jackson-Lee | Pomeroy |
| Bonior | (TX) | Price (NC) |
| Borski | Jefferson | Rahall |
| Boswell | Johnson (CT) | Ramstad |
| Boucher | Johnson (WI) | Rangel |
| Boyd | Kanjorski | Redmond |
| Brady (PA) | Kennedy (MA) | Reyes |
| Brown (CA) | Kennedy (RI) | Rivers |
| Brown (FL) | Kildee | Rodriguez |
| Brown (OH) | Kilpatrick | Roemer |
| Capps | Kind (WI) | Ros-Lehtinen |
| Cardin | Klecza | Rothman |
| Carson | Klink | Roybal-Allard |
| Clay | Kucinich | Rush |
| Clayton | LaFalce | Sabo |
| Clement | Lampson | Sanchez |
| Clyburn | Lantos | Sanders |
| Condit | Lee | Sandlin |
| Conyers | Levin | Sawyer |
| Costello | Lewis (GA) | Scott |
| Coyne | Lofgren | Serrano |
| Crapo | Lowey | Sisisky |
| Cummings | Luther | Skaggs |
| Davis (FL) | Maloney (CT) | Skelton |
| Davis (IL) | Maloney (NY) | Slaughter |
| DeFazio | Manton | Smith, Adam |
| DeGette | Markey | Snyder |
| Delahunt | Martinez | Spratt |
| DeLauro | Mascara | Stabenow |
| Deutsch | Matsui | Stark |
| Diaz-Balart | McCarthy (MO) | Stenholm |
| Dicks | McCarthy (NY) | Stokes |
| Dingell | McDermott | Strickland |
| Dixon | McHale | Stupak |
| Doggett | McKinney | Tanner |
| Dooley | McNulty | Tauscher |
| Doyle | Meehan | Thompson |
| Edwards | Meek (FL) | Thurman |
| Engel | Meeks (NY) | Tierney |
| Eshoo | Menendez | Torres |
| Evans | Millender-McDonald | Turner |
| Farr | Miller (CA) | Velazquez |
| Fattah | Minge | Vento |
| Fazio | Mink | Visclosky |
| Filner | Moakley | Waters |
| Ford | Mollohan | Watt (NC) |
| Frank (MA) | Moran (VA) | Waxman |
| Frost | Morella | Wexler |
| Gejdenson | Murtha | Weygand |
| Gilman | Nadler | Woolsey |
| Green | Neal | Wynn |
| Gutierrez | Ney | Yates |
| Hall (OH) | | |

NOT VOTING—24

| | | |
|------------|---------------|-------------|
| Barcia | Gonzalez | Pryce (OH) |
| Berry | Johnson, E.B. | Scarborough |
| Burr | Kaptur | Schumer |
| Davis (VA) | Kennelly | Smith (TX) |
| Ehrlich | McCrery | Tauzin |
| Etheridge | McGovern | Towns |
| Furse | Nussle | Wise |
| Gephardt | Poshard | Young (AK) |

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

§86.18 SUBPOENA

The SPEAKER pro tempore, Mr. GUTKNECHT, laid before the House the following communication from Mr. STRICKLAND: